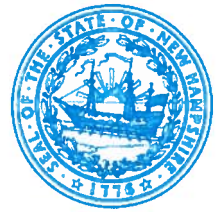




The State of New Hampshire
Department of Environmental Services

Clark B. Freise, Assistant Commissioner



January 31, 2017

The Honorable Chris Christensen,
Chair, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB582-FN, *AN ACT relative to public bathing facilities*

Dear Chair Christensen and Members of the Committee:

Thank you for the opportunity to comment on HB 582-FN. This bill would create a license to operate a public bathing facility (PBF), create a non-lapsing dedicated fund, and authorize the New Hampshire Department of Environmental Services (NHDES) to write rules for licensure and fees. The NHDES supports this legislation and provides the following information to assist the committee in its considerations.

There are currently 1,384 active PBFs in New Hampshire, and the number of public pools and spas continues to grow each year, mostly due to new construction. Approximately 262 new PBFs have been installed in the state since 2004.

Through outreach, training, technical assistance, and compliance assurance, the NHDES Public Bathing Facility Program (Program) assists pool owners in protecting patrons' health and safety, thereby reducing owners' risk and liability. Proper operation, sanitization, and safety procedures help to prevent water recreation accidents and disease outbreaks which have the potential to harm our citizens and tourists.

Swimmers and bathers can contract illnesses as a result of chemical compounds and pathogens in air and water at PBFs. These illnesses include Legionnaires' Disease, Cryptosporidiosis, Shigellosis, Giardiasis, Staph and Pseudomonas infections, and Norovirus. In New Hampshire, public exposure to contaminated public pool and spa water has resulted in documented lung, skin, ear, and eye infections, as well as gastric illness. Many of these incidents required hospitalization.

Inspections are important in reducing PBF-related risks because they provide an opportunity for NHDES to educate pool owners on proper practices and they assist in identifying and correcting unsafe bathing facilities. Of the 381 facilities NHDES inspected last year, 50% had health and safety violations, including 57 facilities (15%)

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with unsafe bacteria levels. The 2016 inspections also revealed that 104 of the facilities (27%) were not conducting adequate water quality monitoring in order to identify whether their water was safe for swimmers and bathers.

NHDES' goal is to inspect all PBFs in the state annually, which is important because the industry has a highly transient workforce, many out-of-state owners, and no certification requirements for pool operation and management. However, the Program is only able to inspect one-quarter of the facilities each year due to resource constraints.

The Public Bathing Facility (PBF) Program is currently General-Funded, and operated by one full-time staff person and two seasonal interns. Under RSA 485-A:26, revenues are received from a \$100 plan review fee for new installations. Fees for sampling and inspections are also charged. Inspection fees range from \$48 to \$75 depending on the PBF type. Fees for bacterial analysis are collected separately by DHHS lab services. The current fees yield an average of about \$25,000 per year to the General Fund, which is one-tenth of the amount needed to monitor all PBFs in the state annually.

The proposed legislation to revise RSA 485-A:26 would create an annual license fee and a one-time design approval fee for new construction, commensurate with the size and complexity of the facility. These fees could generate sufficient income to improve NHDES' ability to work with the pool industry to protect the health and safety of individuals who frequent PBFs. It would also provide NHDES the resources to offer assistance and oversight to municipalities interested in operating their own equivalent programs.

Thank you again for the opportunity to comment on this proposed legislation. If you have questions or need additional information, please contact Ted Diers, Watershed Management Bureau Administrator (ted.diers@des.nh.gov or 271-3289) or R. Tim Wilson (richard.wilson@des.nh.gov or 271-7108).

Sincerely,



Clark B. Freise
Assistant Commissioner

cc: Representative Smith